

Amendments to the Drawings

The attached sheet of drawings includes changes to Figs. 1 and 2, respectively. This sheet replaces the original sheet including Figs. 1 and 2. Figs. 1 and 2 have been amended to include reference numeral 34, respectively.

Attachment: Replacement Sheet

Annotated Sheet

REMARKS

I. Introduction

Claims 1-8 are pending in this application, of which claims 1 and 8 are independent. In this Amendment, claims 1 and 8 have been amended. Care has been exercised to avoid the introduction of new matter. Support for the amendment can be found in, for example, Fig. 1 and relevant description of the specification.

II. The Rejection of Claims 1-8

Claims 1-8 have been rejected under 35 U.S.C. §102(e) as being anticipated by Saiki et al. The Examiner asserted that Saiki et al. disclose a loudspeaker system identically corresponding to what is claimed.

It is well established precedent that the factual determination of lack of novelty under 35 U.S.C. §102 requires the identical disclosure in a single reference of each element of the claimed invention, such that the identically claimed invention is placed into the possession of one having ordinary skill in the art. *See Helifix Ltd. v. Blok-Lok, Ltd.*, 208 F. 3d 1339, 54 USPQ2d 1299 (Fed. Cir. 2000); *Electro Medical Systems S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 32 USPQ2d 1017 (Fed. Cir. 1994).

Applicants submit that Saiki et al. do not disclose a speaker module including all the limitations recited in independent claim 1, as amended. Specifically, Saiki et al. do not teach, among other things, the following limitations:

a panel having a frame portion and being coupled with the periphery of the frame;

a second diaphragm coupled with the panel inside the frame portion, thereby forming a hermetic space with the panel and the first diaphragm, and acoustically coupled with the first diaphragm, the hermetic space facing the second face; and

...

wherein the panel transmits the light from the light emitting section to a side of the second diaphragm and emits the light outside from the frame portion.

Saiki et al. discloses transparent or translucent diaphragm panel 84 which appears to correspond to the claimed second diaphragm (see Fig. 13). Saiki et al. describe that if diaphragm panel 84 is transparent, rays of light from LEDs 85-88 merely pass through diaphragm panel 84, while if diaphragm panel 84 is translucent, rays of light are diffused by diaphragm panel 84 (see paragraph [0075]). It is noted that diaphragm panel 84 is attached to board 80 through spacer 83 (see paragraph [0072] and Fig. 13).

In contrast, according to claim 1, the second diaphragm coupled with the panel inside the frame portion, which is structurally different from diaphragm panel 84 of Saiki et al. Moreover, the claimed panel is configured to transmit light from the light emitting section to a side of the second diaphragm and emit the light outside from the frame portion. Saiki et al. do not disclose transmitting light through a panel and emitting the light outside from a frame portion.

Based on the foregoing, it is apparent that Saiki et al. do not disclose a speaker module including all the limitations recited in independent claim 1 within the meaning of 35 U.S.C. §102. The above discussion is applicable to independent claim 8. Dependent claims 2-7 are also patentably distinguishable over Saiki et al. at least because these claims include all the limitations recited in independent claim 1. Applicants, therefore, respectfully solicit withdrawal of the rejection of claims 1-8 and favorable consideration thereof.

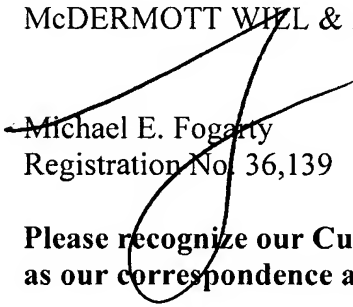
III. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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FIG. 1

34 added

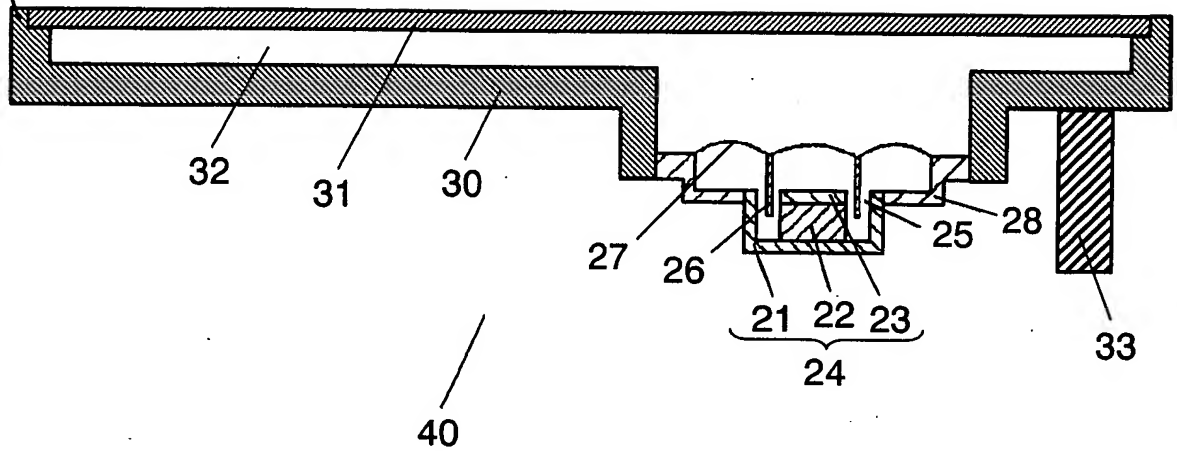


FIG. 2

34 added

